

IOWA BenchPress



Newsletter of the Iowa Judicial Branch

July-August 2003

Nominees for Supreme Court Vacancy

On August 15, the State Judicial Nominating Commission selected two attorneys and one judge as nominees for the vacancy on the Iowa Supreme Court. Court of Appeals Judge Daryl Hecht; Brent Appel, attorney; and David Wiggins, attorney were selected from a group of 18 people who had applied for the position.

Brent Appel, received his bachelor's degree from Stanford University and his law degree from the University of California, Berkeley. He has served as an assistant attorney general. He has been in private practice since 1987 in Des Moines.

Judge Hecht, received his bachelor's degree from Morningside College and his law degree from the University of South Dakota School of Law. Following his graduation from law school, he practiced law in Sioux City until his appointment to the Iowa Court of Appeals in 1999.

David Wiggins, received his bachelor's degree from the University of Illinois at Chicago and his law degree from Drake University Law School. He has been in private practice in Des Moines since 1976.



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Courts Online Service A Hit

Iowa Courts Online, a service that provides online access to court information, is a hit with thousands of people, including clerks of court who see the service as a huge help for them.

“Electronic public access to court records has cut down on the number of telephone calls to our office,” said Nancy Greenlee, Clerk of Court for Bremer County. “That has been a big time saver for my staff. It also provides current information to attorneys and litigants on the status of their cases at their convenience. Despite reduced public access hours in clerks’ offices, case information is still available to court users.”

Just how busy is the service? According to Larry Murphy, Director of Information Technology for the Judicial Branch, the online service has had more than 6.6 million hits since it began in January 2002. It currently averages around

212,000 hits a day. The highest use occurs on Sunday evenings from 7 p.m. to 10 p.m.

The service has two components: basic case information that is available at no cost, and detailed case information available for a monthly subscription fee. There are 500 users who pay a monthly subscription fee for the detailed service. A recent marketing survey of subscribers found both private citizens and businesses use the site. Businesses, including the legal sector, abstractors, the media, and private investigators, account for 62% of current users of the subscription service — those who subscribe continuously from month to month. However, the largest user group of subscribers appears to be private citizens who subscribe to the service intermittently.

State and local government officials can register for free access to detailed case information. The



latest count shows twenty-seven hundred government officials and entities, including probation officers, clerks, judges, county and city attorneys, law enforcement officers, public defenders, state agencies, and professional licensing boards, have registered to use the service. Of this group, the department of corrections has the most users with 800 employees registered, followed by clerks’ staff with 625 registered users, county and city attorneys with 260 registered users, and judges with 242 registered users.

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Judges Association Selects Leaders

At its meeting in June, the Iowa Judges Association elected three of its members to leadership positions. Serving for the year 2003-2004 are President, District Judge Stephen C. Clarke of Cedar Falls; President-Elect, District Court Judge Annette J. Scieszinski of Albia; and Secretary-Treasurer, District Court Judge James Richardson of Audubon.

Judge Clarke has been a District Court Judge in District 1 since October of 1997. In addition to his judicial duties, Judge Clarke co-chairs the Iowa Supreme Court Select Committee to Review State Court Practices in Child Welfare Matters (The Iowa Court Improvement Project) and is administrative judge for juvenile court services in the First Judicial District. Judge Clarke has also taught judges, lawyers and other professionals in statewide and regional programs throughout his career. The Iowa Trial Lawyers Association recently honored him with its 2002 Judicial Achievement Award.

When asked about his goals as president Judge Clarke said, "It is the goal of the association to continue our cooperative relationship with the supreme court and the Iowa State Bar Association in seeking to improve ways in which our branch of government serves the citizens of Iowa." He added, "We want to ensure that the re-



(left to right) District Court Judge James Richardson, District Court Judge Annette J. Scieszinski of Albia and Judge Stephen C. Clarke of Cedar Falls. Photo courtesy of The Iowa State Bar Association.

sources that have been lacking in these difficult economic times are restored particularly those for judicial education and ongoing training for clerks, juvenile court officers, and support staff. We also want to work for levels of compensation that will continue to attract candidates to the bench who will carry on the tradition of competence and civility that is found in our trial courts today."

Judge Clarke also mentioned efforts to assist pro se litigants as another goal of the association. The association is working with the Iowa State Bar Association on a multi-

year project to explore access to the courts and the challenges presented by pro se litigants.

Judge Scieszinski serves in Judicial District 8-A. She has been on the district bench seven years. She co-chairs the Judges Association's Courts and Community Committee, and in 1999 she represented Iowa's judges at the National Conference on Trust and Confidence in the Courts. Judge Scieszinski is a member of the faculty of the new judges school and a frequent speaker on professionalism and

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Judicial Council Approves Judgeship for Sixth Judicial District

The Iowa Judicial Council has approved moving a district court judgeship from the Eighth Judicial District to the Sixth Judicial District. The council's action was triggered by a finding of Chief Justice Louis Lavorato of the Iowa Supreme Court that a substantial disparity exists in the allocation of judgeships and judicial workload among the state's judicial districts. The council used a new statutory procedure, which took effect July 1, to reallocate the judgeship.

Two of the state's busiest trial courts, Judicial Election Sub District Five-C and the Sixth Judicial District, requested the judgeship. Chief Judge David Remley of the Sixth District and Chief Judge Arthur Gamble of the Fifth District both agreed that all of the districts are busy, and both expressed regret

that districts must compete for judicial resources.

"This is an awkward process but it's what the legislature gave us rather than redistricting," remarked Chief Judge Ronald Schechtman of the Second Judicial District.

The Judicial Council made its decision after analyzing the caseload of both districts and hearing comments from the chief judges of the requesting districts. Although the vacancy in the Eighth District won't occur until October 3 when District Court Judge Richard Vogel retires, the process to fill the position in the Sixth District can begin as soon as Chief Justice Lavorato instructs the secretary of state to notify the district nominating commission of the council's decision.

According to a long-standing statutory formula, all of Iowa's eight judicial districts need more district court judges. The formula calls for 138 district court judges statewide but the legislature has funded only 116. The Sixth Judicial District has only twelve of sixteen district court judgeships called for by the formula, while Judicial Sub-District Five-C has only 17 of 21 judgeships. The legislature has not provided funds for new judgeships since 1999.

"We must use our resources as best we can until the legislature provides more judges," said Chief Judge Gamble.

The Judicial Council consists of the chief judges of the 8 judicial districts, the chief judge of the court of appeals, and the chief justice of the supreme court.

Judges Association

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legal ethics. Judge Scieszinski is also actively involved with various Iowa State Bar Association work groups, including the Bench-Bar Committee, which she has co-chaired through the 1998, 2000, and 2002 conferences.

Judge Richardson has been a District Court Judge in the Fourth Judicial District since his appointment in 1986. His service in the

Judges Association has included a term on the Association's Board of Directors representing the judges of the Fourth District. Judge Richardson is active in the Iowa State Bar Association and he currently serves as Co-chair of the Bench-Bar Conference committee.

The Iowa Judges Association represents the interests of all active, senior and retired trial and appellate

judges in Iowa. The mission of the Association is to unite judges in working toward the sound administration of justice, in recommending improvements of policy and procedure, and in working cooperatively with all branches of government for the betterment of justice for all Iowa citizens.

Milestones: Service Anniversaries

25 Years

Janet Brandt, Judicial Clerk, *Wapello County*.

Donna Mohler, Judicial Clerk, *Black Hawk County*.

Robert Mahan, Court of Appeals judge, *Polk County*.

Rosemary Graff, Juvenile Court Officer, *Polk County*.

Richard Vogel, District Court Judge, *Poweshiek County*.

Donald Berry, Juvenile Court Officer, *Cerro Gordo County*.

Kathie Bryant, Court Reporter, *Scott County*.

Annette Peterson, Juvenile Court Officer, *Woodbury County*.

Arthur McGiverin, Senior Judge, *Polk County*.

Dorian Myhre, Judicial Clerk, *Story County*.

Leah Bond, Judicial Clerk, *Linn County*.

30 Years

Craig Froning, Magistrate, *Hardin County*.

James Brandau, Magistrate, *Bremer County*.

Craig Ensign, Magistrate, *Worth County*.

James Gailey, Magistrate, *Buena Vista County*.

Thomas Renda, Senior Judge, *Polk County*.

Randall Sieve, Juvenile Court Officer, *Boone County*.

Sandra Boettger Stehr, Judicial Clerk, *Crawford County*.

Kathleen Raszler, Trial Court Supervisor, *Pottawattamie County*.

Wanda Sedivec, Judicial Clerk, *Johnson County*.

James Carter, Justice, *Polk County*.

Linda Barrett, Trial Court Supervisor, *Linn County*.

Nancy Timmons, Court Reporter, *Greene County*.

Charles Claussen, Juvenile Court Officer, *Webster County*.

Janelle Groteluschen, Clerk of Court, *Webster County*.

New Faces

Supreme Court: **Daniel Schoeni**, *Des Moines*, **Tim Vavricek**, *Des Moines*, **Josh McClatchey**, *Des Moines*, Legal Assistants.

Court of Appeals: **Michael Paul**, *Des Moines*, **Christy Aumer**, *Des Moines*, **Josepg Borg**, Legal Assistants.

District 1: **Kelly Hagedorn**, *Waterloo*, Judicial Clerk..

District 2: **Jennifer Rawe**, *Mason City*, **Christina DeShaw**, *Nevada*, **Dolores Montoya**, *Fort Dodge*, Law Clerks; **Amy Hughes**, *Mason City*, Court Account/Auditor; **Christa Hoppman**, *Marshalltown*, **Lisa Lombard**, *Webster City*, **Shannon Horton**, *Nevada*, Judicial Clerks.

District 4: **Jeffrey Larson**, District Court Judge.

District 5: **Don Nickerson**, *Des Moines*, **Robert Hanson**, *Des Moines*, District Court judges; **Susie Stroud**, *Des Moines*, Court Reporter; **Janet Hall**, *Des Moines*, Court Attendant; **Jonnette Wisecup**, *Des Moines*, Juvenile Court Technician; **John Hawkins**, *Des Moines*, Juvenile Court Officer; **Sheryl Scieszinski**, *Des Moines*, Judicial Clerk; **Amy Revell**, *Des Moines*, **Sara Schultz**, *Des Moines*, **Tyler Smith**, *Des Moines*, Legal Assistants.

District 6: **Julie Bruns**, *Cedar Rapids*, Juvenile Court Tech.

District 7: **Sheryl Mascaro-Valle**, *Davenport*, Judicial Clerk; **Laura Martino**, *Davenport*, Legal Assistant.

District 8: **Megan Peterson**, *Burlington*, Legal Assistant; **Julie Schulties**, Juvenile Court Officer; **Shirley Turner**, Judicial Clerk, Albis.

Court Generated Revenue Up 5% in FY 2002

Revenue to the state generated from court fees and fines increased 5%, or \$3.8 million, in fiscal year 2002, according to the state court administrator's office. Court revenue deposited with cities and counties rose only slightly, up 1%.

Healthy increases in several categories can be attributed to legislative action in 2002. The legislature raised the civil filing fee from \$80 to \$100, and the total receipts for civil filing fees rose 16%. The legislature also increased the filing fee for small claims from \$30 to

\$50, and the total receipts for this fee jumped 35%. Receipts of other fees raised by the legislature, such as fees for jury trial, certain liens, and change of title to real estate, are not separately reported.

Fine collections increased 4% last fiscal year, and receipts of the criminal penalty surcharge rose modestly, up 2%.

The bulk of the revenue generated by the courts' is deposited into state coffers. In fiscal year 2002, the courts deposited \$83 million with the state and \$9.5 million with cities and counties.



Clerk's Report: Total Fees Collected

	FY03	FY02	\$ change	% change
TYPE OF FEES				
FEES TO STATE				
Filing Fees-Civil \$100/Appeal	\$4,484,210	\$3,754,804	\$729,406	16%
Filing Fees-Small Claims \$50	\$3,959,270	\$2,561,536	\$1,397,735	35%
Filing Fees-Indictable Criminal (\$30)	\$1,027,671	\$1,014,496	\$13,175	1%
Filing Fees-Parking Violations (\$9)	\$71,477	\$75,827	-\$4,350	-6%
Court Costs-Scheduled Violations (\$15)	\$8,168,793	\$8,349,635	-\$180,843	-2%
Court Costs-SV,Ct. App, Nonsched,Other Simp. (\$25)	\$2,045,837	\$2,008,307	\$37,531	2%
Miscellaneous Court Fees	\$6,187,572	\$6,198,472	-\$10,900	0%
Entry Final Decree of Marriage Dissolution (\$50)	\$421,112	\$270,825	\$150,287	36%
Vitals, Copy of Birth/Death/Marriage Certs (\$10)	\$259	\$405	-\$146	-56%
Int. Earned on Invested Funds (100%) & Late Pmts.	\$426,555	\$416,355	\$10,200	2%
Fines & Forfeited Bail and Infractions	\$34,449,101	\$33,164,073	\$1,285,028	4%
City Fines and Forfeited Bail (10%)	\$668,836	\$667,452	\$1,384	0%
Fine Driving No Proof of Insurance	\$2,165,893	\$1,948,068	\$217,825	10%
Late Settlements - Civil Jury Trial (\$500)	\$38,808	\$28,839	\$9,969	26%
Surcharge (95%)	\$11,469,266	\$11,265,186	\$204,080	2%
Indigent Defense Reimbursement to State	\$3,755,678	\$3,707,272	\$48,406	1%
Collected Delinquent Amts to J&W Revolving	\$2,454,238	\$2,345,562	\$108,676	4%
Prepayment of Indigent Defense Fees	\$1,969	\$6,231	-\$4,262	-216%
Civil Penalty - Sex Offender Registry	\$41,937	\$35,022	\$6,915	16%
Impoundment Fee	\$0	\$10	-\$10	0%
Drug Abuse Surcharge	\$129,821	\$91,064	\$38,757	30%
DOT Commercial Vehicle (602.8105(5))	\$2,376,370	\$2,491,963	-\$115,592	-5%
DOT \$.50 Copy Fee-Record of Conviction (HF704)	\$308	\$820	-\$512	-166%
SubTotal	\$84,344,982	\$80,402,222	\$3,942,760	5%
Less Deposits and Collections By DRF/CCU	\$1,308,386	\$1,212,436	\$95,949	7%
Check to State Treasurer	\$83,036,596	\$79,189,786	\$3,846,810	5%
FEES TO COUNTY OR CITY				
Sheriff's Fees	\$863,053	\$850,336	\$12,717	1%
Indigent Defense Reimbursed to County	\$42,731	\$47,514	-\$4,783	-11%
Surcharge - County - 5% Less City	\$504,733	\$495,356	\$9,377	2%
Fines & Int., Court Costs, Ind. Def. Reimb (35%)	\$612,661	\$624,528	-\$11,867	-2%
City Fines and Forfeited Bail (90% Fines)	\$6,019,181	\$6,003,988	\$15,193	0%
Surcharge (5%)	\$97,857	\$96,441	\$1,416	1%
City Infractions - Penalties/Forfeitures (90%)	\$156,535	\$135,062	\$21,473	14%
Miscellaneous (Includes Impoundment Fee)	\$165,333	\$194,243	-\$28,910	-17%
County Infractions - Penalties/Forfeitures (90%)	\$1,094,897	\$985,839	\$109,058	10%
SUBTOTAL	\$9,556,981	\$9,433,307	\$123,674	1%
OTHER MONEYS PROCESSED				
DHS State Disbursement Collections	\$70,549,431	\$66,882,639	\$3,666,791	5%
Child Support	\$83,158,793	\$88,257,809	-\$5,099,016	-6%
Miscellaneous Trusts & Bonds	\$114,412,726	\$105,533,160	\$8,879,566	8%
Jury and Witness Fees	\$1,573,124	\$1,376,617	\$196,508	12%
SUBTOTAL	\$269,694,074	\$262,050,225	\$7,643,849	3%
GRAND TOTAL	\$362,287,650	\$350,673,317	\$11,614,333	3%

Eisenhauer Teaches at German Law Program

In June, Court of Appeals Judge Larry Eisenhauer taught criminal procedure in Wustrau, Germany. Judge Eisenhauer's international teaching stint was part of a program, entitled Two Nations, One Justice: A Comparative Law Program sponsored by the National Judicial College. Judge Eisenhauer was one of ten judges from the United States participating in the program with 25 German judges.

"The German judges all spoke excellent English and went out of their way to make us feel at home," said Judge Eisenhauer.

"They were eager to share their system with us and learn about ours."

"In general the German system is more cumbersome than ours. It involves more bureaucracy and takes more time to resolve disputes," Judge Eisenhauer observed. "Judges sit in panels of three and direct most of the questioning. One big difference in the systems is the Germans have specialty judges for almost all areas of the law." He added, "They do not use juries."

While touring a local courthouse, the judges observed a civil case involving a dispute over the ownership of a garden and shed. According to Judge Eisenhauer, the German courts have been full of property disputes since the reunification of Germany in 1989.



Judge Larry Eisenhauer

Judge Eisenhauer, who attended a course on the International Courts at The Hague in 2001 said he would teach overseas again if asked. "The opportunity to interact with judges from around the world reminds me of the common issues all judges face and opens the mind to different methods of dealing with these issues."

The program was held at Zieten Castle. Wustrau, which is about 40 miles from Berlin, is located in what formerly was East Germany.



Zieten Castle, Wustrau, Germany

Supreme Court Awards IOLTA Grants

Last month, the Iowa Supreme Court awarded grants totaling \$615,575.00 for thirteen projects, involving twelve organizations, under the Interest on Lawyers' Trust Account (IOLTA) program. The IOLTA program provides funds for legal services to low-income Iowans in civil cases and for special projects to improve the administration of justice in Iowa. With the latest awards the Supreme Court has awarded over \$16,600,000.00 in IOLTA grants since the program began in 1985.

The following grants have been awarded for the fiscal year beginning July 1, 2003 and ending June 30, 2004:

■ **Iowa Legal Aid (Des Moines) — \$311,075.00**

Provision of legal staff to serve Sioux City, Dubuque, Council Bluffs, Des Moines, Waterloo, Ottumwa, Mason City, Cedar Rapids, and Iowa City regional offices of the grantee in an established program of civil case assistance to low-income Iowans. (Service area: statewide.)

■ **HELP Through Education and Law Program, Inc. (Davenport) — \$94,004.00**

Provision of legal and paralegal staff to offer civil legal assistance to indigent and elderly persons, particularly in the areas of domestic

relations, community legal education, service to the institutionalized elderly and domestic abused, and administrative advocacy. (Service area: three county area including Scott, Clinton and Muscatine.)

■ **Muscatine Legal Services — \$23,638.00**

Provision of additional legal staff to maintain an existing program of civil legal assistance to low-income residents. (Service area: Muscatine County.)

■ **Legal Aid Society of Story County (Nevada) — \$24,409.00**

Provision of legal staff support to offset demand for legal assistance for low-income persons. (Service area: Story County.)

■ **Polk County Bar Association Volunteer Lawyers Project (Des Moines) — \$21,144.00**

Provision of staff for volunteer lawyer referral service in Polk County serving low-income community. (Service area: Polk County.)

■ **Sioux County Low Fee Panel, Sioux County Bar Association (Sioux Center) — \$1,824.00**

Provision of funds to provide civil legal assistance for economically disadvantaged individuals in the Sioux County area. (Services area: Sioux County.)

■ **Iowa State Bar Association Volunteer Lawyers Project (Des Moines) — \$44,704.00**

Provision of staff and technical support to increase the participation of attorneys in existing volunteer lawyer projects for indigent Iowans and provide assistance to legal service agencies. (Service area: statewide.)

■ **Civil Legal Assistance Fund (Fort Dodge) — \$14,250.00**

Provision of funds to provide civil legal assistance to low-income fathers, mothers, or children involved in dissolution of marriage or modification cases in which other legal assistance is not available. (Service area: Second Judicial District.)

■ **Black Hawk County Bar Association Program of Legal Assistance for Low-Income Residents (Waterloo) — \$17,784.00**

Provision of legal staff to provide legal services for economically disadvantaged individuals in the Black Hawk County area. (Service area: Black Hawk County.)

■ **Know Your Constitution Committee of the Young Lawyers Division, Iowa State Bar Association (Des Moines) — \$3,420.00**

Provision of funds for the Know Your Constitution Program, which provides education to Iowa high

IOLTA Grants Awarded

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school students about the United States Constitution. (Service area: statewide)

■ **Clinical Law Program, College of Law, University of Iowa (Iowa City) and Drake University Law School Legal Clinic (Des Moines) — \$34,287.00**

Provision of funds to continue Poverty Law Internship Program, a clinical law program in which ten upper level law students intern during the summer with legal service providers throughout the state. (Service area: statewide.)

■ **Iowa Legal Aid (Des Moines) — \$13,377.00**

Provision of legal staff support to continue the Legal Hotline for Older Iowans. (Service area: statewide.)

■ **Iowa Coalition Against Domestic Violence (Des Moines) — \$11,659.00**

Provision of funds to provide immigration and domestic violence related legal services to battered immigrant women and their children. (Service area: statewide.)

The funds available for distribution under the IOLTA program are generated from interest earned on certain pooled trust accounts held by lawyers. Attorneys practicing law in Iowa are required by court order to deposit clients' funds being held by the lawyer in interest-bearing accounts. Because the funds involved are so small in amount or held for such a brief period of time that it is not possible for the funds to economically benefit the individual client, they are required to be deposited in

pooled interest-bearing trust accounts. The IOLTA program is administered by a seven-member commission, which is responsible for reviewing grant applications and making recommendations for awards to the court.

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Branch Awards Presented



Chief Justice Lavorato presented Magistrate Jim Mefferd with the Meritorious Service Award for part-time judicial officers.



Court Reporter Tom Kierski was presented with the 2002 Meritorious Service Award for court reporters.

Warren: State Courts Facing Greatest Budget Crisis Since World War II

The following is an interview with **Roger K. Warren**, president of the National Center for State Courts. Warren, a former state court judge from California, discusses the issues and challenges confronting the state court, and what the National Center is doing to help.

Question: In your work and interactions with this country's state courts, what have you found to be the most common issue and concern they currently face?

Warren: That's easy; the state budget crises. The state judiciaries are facing their greatest financial

Question: What is the principal strategy being used to balance state court budgets?

Roger Warren: The main strategy seems to be an attempt to reduce costs without laying off full-time employees or reducing services through an assortment of short-term actions: things like hiring and salary freezes, travel and training restrictions, elimination of positions, reduction of funding for appointed counsel, purchase reductions, and delay of technology and other new court projects. Nevertheless, many courts still have been required to layoff hundreds of full-time employees, close courthouses, suspend jury trials, defer prosecution of non-violent criminal cases and small claims cases, and postpone other civil proceedings.

"In these critical times we can demonstrate that we can govern, that we can manage, that we can run our business — and we can do so successfully. We can change the processes, break them and put them back together again in a way that produces a better product and more quality, at the same time it reduces cost. There is a special opportunity to do things you can't do in the so-called good times."

Roger Warren

challenge since World War II. They are eager for information on how other courts are responding to the budget crisis, and what the National Center for State Courts (NCSC) can do to help them.

Question: Have courts also tried to find ways to increase revenues?

Warren: Yes. Two common approaches are finding ways to



Roger K. Warren, president of the National Center for State Courts

increase the collection of court-ordered fines, fees, and forfeitures, including state tax refund intercept programs and through a proposed national income tax intercept program, and increases in court filing fees and surcharges.

Question: What advice do you offer to court leaders?

Warren: I was the presiding judge of a major trial court in California when that state last went through a recession in the early 90's. I think the biggest danger is that court

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State Courts Facing Greatest Budget Crisis

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leaders will make short-term decisions that they will regret in the long-term. Once positions, functions, or services are eliminated or restricted it is very difficult to get them back to preexisting levels. Courts need to carefully weigh their long-term priorities and objectives in making critical budget decisions, especially in shortfall situations. In addition, courts need to take advantage of opportunities to fundamentally reengineer court processes – opportunities that may exist during a budget crisis but not be available in the so-called “good times.”

Question: Are some states doing that?

Warren: Yes, states including New York, California, Minnesota, and New Jersey are looking at things like trial court consolidation, outsourcing of court security services, more cost effective court

reporting services, improved use of technology, and more effective management of court events in order to not merely reduce costs but also improve court performance.

Question: Do you see differences between the current situation and the recession of the early 90’s?

Warren: Well, first of all, in most states the scope of the budget shortfalls is significantly greater now than 10-12 years ago. But, happily, the relationships between the state judiciaries and the legislative and executive branches of state government are much better today than they were earlier. Courts have more managerial credibility today. They recognize that they must share in the pain, and are less likely to support their budget requests solely with assertions about judicial

independence or inherent powers, or threats of mandamus actions to compel adequate funding.

Question: Do you feel that the worst is behind us?

Warren: No. In most states 2004 promises to be an even more challenging year than 2003. The worst mistake a court manager could make at this point is to assume that the worst is behind us.

Question: What advice do you have for court leaders?

Warren: Be bold. Be innovative. Assume that the budget decisions you make today will have long-term consequences. Now is the time to put on the table some of your best and most far-reaching proposals to improve your court.

Latest Stats Report Shows Caseload Up Again, Jury Trials Down

Iowa's trial courts are handling more cases than ever before—more than one million cases were filed last year, but the number of jury trials has dropped significantly in recent years. These are two of the notable trends reported in the latest annual caseload statistics report of the Iowa Judicial Branch.

Case filings have climbed steadily in every category except probate during the past decade. For instance, indictable criminal cases

the last decade. In contrast, the number of probate matters has gradually dropped over the years, down 16% from 1992 levels.

Small claims filings dropped a fraction of a percent in 2002, but filings in this category have risen 32% in the past eleven years. The increase in small claims filings during this period is, in part, attributable to the increase in the jurisdictional amount. From 1993 to 2002, the legislature changed the jurisdictional amount for small

claims three times, gradually raising it from \$2000 to \$5000.

In 2002 there were 938 jury trials, compared with 1,215 in 2000 and 1,473 in 1992.

Court officials do not have any statistical data that would explain the drop in the number of jury trials.

However, some judges speculate that the decline in criminal jury trials is due to tough mandated criminal sentences passed by the legislature in the mid-1990s, which motivate offenders to plea bargain to avoid conviction on the toughest charges. Fewer civil jury trials might be tied to litigants' desire to avoid the cost and time of litigation.

"Our newly automated statistical reports provide a wealth of infor-

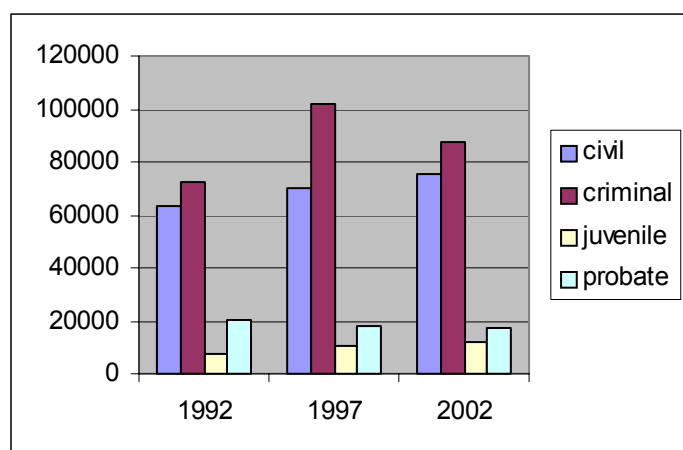
mation not previously available," added Jerry Beatty, Director of Education.

"By making greater use of its automated records, the Judicial Branch has begun producing statistical reports with more detailed information about the profile of the state's caseload," said John Goerd, Judicial Branch Planner. For example, the 2002 annual report shows for the first time the number of court cases involving drugs or alcohol. In 2002, OWI cases accounted for 23% of all indictable criminal case filings, while a drug-related offense was the most serious charge in 20% of the indictable criminal cases. Twenty-two percent of all juvenile delinquency matters were drug or alcohol related, and 28% of civil commitment cases were tied to substance abuse.

Goerd praised the members of the Court Information Advisory Committee "for all the hard work and perseverance that has led to the significant improvements in the accuracy, uniformity and utility of the monthly and annual statistical reports."

Jerry Beatty added, "I commend clerks and staff for their efforts. We couldn't do this without them!"

Filings in Iowa District Court



(serious and aggravated misdemeanors and felonies), which rose 3% last year, have climbed 22% since 1992. Civil case filings, which increased 3% in 2002, have grown 19% since 1992. The caseload has grown dramatically in two categories: juvenile and small claims. Although the number of filings in juvenile court increased only slightly last year, the number of juvenile cases has jumped 59% in

For a copy of the report visit
www.judicial.state.ia.us/orders/reports/annualreport2002.

New and Amended Court Rules: January – July 2003

Shorthand Reporters: CE Reports and Discipline. The court amended court rule 24.8 (*effective July 23, 2003*), changing the annual continuing education reporting cycle from July through June to October through September. The new deadline for reporting is December 1, court rule 24.10 (*effective July 23, 2003*). Reports required by court rules 24.3 and 24.10 must be sent to the board of examiners at its new address: 1111 East Court Avenue, Des Moines, 50319 (*effective April 9, 2003*).

In addition, the court amended court rule 24.13 by adding another cause for discipline: violations of Rule of Civil Procedure 1.713 (*effective April 9, 2003*). RCP 1.713 prohibits an officer taking a deposition from requiring a reporter to relinquish control of a transcript and copies before the transcript is certified and delivered to the custody of the attorney, to provide special financial terms or services, or to give exclusive advantage to any party.

Court Commissions and Judicial Qualifications Commission: Mailing Address. The court approved a number of amendments updating the mailing address for court commissions to: 1111 East Court Avenue, Des Moines, 50319. (See court rules 52.6, 52.13, 44.1, 44.8, 44.15, 40.2, and 36.21.

Practice of Law: Fields of Practice. The court combined several groups that were previously treated as separate fields of practice, including estate planning, wills and probate, and trusts and estates, into one group (*Effective May 15, 2003*).

Expedited Appeals: CINA. The court amended Rules of Appellate Procedure 6.402, 6.5, 6.6, 6.751 and Court Rules 8.21 to implement recent statutory changes that expedite appeals of child in need of assistance cases.

Taxation of Costs: Clerks. A recent amendment to Rule of Civil Procedure 1.960 provides instructions to clerks of court when a court fails to assess costs. (*Effective September 1, 2003.*)

Supersedeas Bonds. The court amended Rule of Appellate Procedure 6.7 to conform to recent statutory changes concerning requirements for granting and waiving a supersedeas bond. (*Effective October 1, 2003.*)

Client Security Commission: Subpoena Powers. Court Rule 39.12, as amended, grant subpoena authority to the commission during an investigation (*Effective April 9, 2003*).

Grievance Commission: Interim Suspension. The court adopted a new rule, Court Rule 35.4, which allows the commission to order an interim suspension of an attorney's license when there exists a threat of imminent harm to the public (*Effective April 9, 2003*).

Change of Venue: Notice to State Court Administrator. This amendment simply updates the mailing address of the state court administrator to 1111 East Court Avenue, Des Moines, 50319.

Appeals: Further Review. The court amended Court Rule 21.32, eliminating the requirement that the court review applications for further review in rotating panels of three justices (*Effective January 24, 2003*).

Appeals: Shortening or Enlarging Time. This amendment to Rule of Appellate procedure 6.2(20) is a technical correction only.

Judgment By Agreement. The court eliminated Rule of Civil Procedure 1.958 concerning judgment by agreement (*Effective May 1, 2003*).

Plans for CJIS Announced

The Iowa Judicial Branch and Governor Tom Vilsack have announced a joint plan establishing a program for a statewide-integrated criminal justice information system.

Many state and local criminal justice agencies currently have automated information systems designed to meet their specific needs. Moreover, the Judicial Branch shares considerable information with many state and local agencies through specialized electronic interfaces. But despite these successful initiatives, much criminal justice information in the state is still processed by paper. This results in gaps, delays and redundancies in the

processing of crucial information. The implementation of a statewide-integrated criminal justice information system would reduce these problems and dramatically improve communications within the criminal justice community.

“In Iowa, our state and court leaders support efforts that will benefit the public, participating criminal justice agencies and the court system. The potential to share documents and information electronically will enable the entire criminal justice system to operate more effectively,” Leesa McNeil, court administrator for District Three.

The Crime Identification Technology Act, Public Law 105-251, authorized federal grants for states to promote the integration of justice system information and identification technology. The National Governor’s Association and the National Center of State Courts encourage and support the integration of criminal justice information systems.